

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) CAUSE NO.: 2:15-CR-60-RL-PRC
)
RALPHAEAL CASSIBERRY,)
Defendant.)

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT RALPHAEAL CASSIBERRY**

TO: THE HONORABLE RUDY LOZANO, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Raphael Cassiberry's request to enter pleas of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on June 2, 2016, with the consent of Defendant Raphael Cassiberry, counsel for Defendant Raphael Cassiberry, and counsel for the United States of America.

The hearing on Defendant Raphael Cassiberry's pleas of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court, and on the record.

In consideration of that hearing and the statements made by Defendant Raphael Cassiberry under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Raphael Cassiberry,

I FIND as follows:

- (1) that Defendant Raphael Cassiberry understands the nature of the charges against him to which the pleas are offered;
- (2) that Defendant Raphael Cassiberry understands his right to trial by jury, to persist in his

pleas of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and to his right against compelled self-incrimination;

(3) that Defendant Raphael Cassiberry understands what the maximum possible sentences are, including the effect of the supervised release term, and Defendant Raphael Cassiberry understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the pleas of guilty by Defendant Raphael Cassiberry have been knowingly and voluntarily made and are not the result of force or threats or of promises;

(5) that Defendant Raphael Cassiberry is competent to plead guilty;

(6) that Defendant Raphael Cassiberry understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Raphael Cassiberry's pleas; and further,

I RECOMMEND that the Court accept Raphael Cassiberry's pleas of guilty to the offenses charged in Counts 1 and 2 of the Indictment and that Defendant Raphael Cassiberry be adjudged guilty of the offenses charged in Counts 1 and 2 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Raphael Cassiberry be adjudged guilty, a sentencing date before Judge Rudy Lozano will be scheduled. Objections to the Findings and Recommendation are waived unless filed and served within fourteen days. 28 U.S.C. § 636(b)(1).

So ORDERED this 2nd day of June, 2016.

s/ Paul R. Cherry

MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT